

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**CAUSE NO. 1:16CR35-LG-RHW-3**

**TRACY JERMAINE RICHARD**

**ORDER FINDING THAT DEFENDANT IS  
NOT COMPETENT TO STAND TRIAL**

**THIS MATTER CAME BEFORE THE COURT** for a competency hearing as to the defendant Tracy Jermaine Richard pursuant to the Insanity Defense Reform Act of 1984, 18 U.S.C. § 4241, *et seq.* For the reasons stated in the record, and based on the arguments and evidence presented at the hearing, the Court finds by a preponderance of the evidence that the defendant Tracy Jermaine Richard, is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Therefore, the defendant is committed to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for treatment in a suitable facility and proceed in accord with 18 U.S.C. § 4241(d).<sup>1</sup>

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<sup>1</sup> The Attorney General shall hospitalize the defendant for treatment in a suitable facility--

(1) for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward; and

(2) for an additional reasonable period of time until--

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the defendant Tracy Jermaine Richard is presently suffering from a mental disease or defect rendering him mentally incompetent to stand trial.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that Richard is remanded to the custody of the United States Marshal pending commitment to the custody of the United States Attorney General.<sup>2</sup>

**SO ORDERED AND ADJUDGED** this the 21st day of August, 2018.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE

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(A) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the proceedings to go forward; or

(B) the pending charges against him are disposed of according to law; whichever is earlier.

If, at the end of the time period specified, it is determined that the defendant's mental condition has not so improved as to permit the proceedings to go forward, the defendant is subject to the provisions of sections 4246 and 4248.

<sup>2</sup>See *U.S. v. Delasta*, 856 F.3d 549 (8th Cir. 2017); *U.S. v. Stanford*, 769 F.Supp.2d 1083 (S.D. Texas 2011).